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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 IN AND FOR THE COUNTY OF SAN FRANCISCO
15

16 COORDINATION PROCEEDING
SPECIAL TITLE (RULE 1550(b))

17 VITAMIN CASES,
18

19 This Document Relates To:

20 ALL ACTIONS
21

Judicial Council Coordination Proceedings
No. 4076

Master File No. 301803 (San Francisco County)

**DECLARATION OF STEVEN M.
TINDALL IN SUPPORT OF MOTION FOR
APPROVAL OF DISTRIBUTION OF
CONSUMER CLASS SETTLEMENT
FUNDS (ROUND 2)**

Date: November 24, 2004
Time: 2:30 p.m.
Dept.: 505
Judge: Hon. John E. Munter

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24 I, STEVEN M. TINDALL, declare as follows:

25 1. I am a member in good standing of the State Bar of California and a partner
26 in the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP ("LCHB"), Plaintiffs' Co-Liaison
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1 Counsel ("PCC") in the above-entitled coordinated actions. I have personal knowledge of the
2 facts set forth in this Declaration, and, if called as a witness, I could and would testify to them.

3 2. I submit this Declaration in support of Plaintiffs' Motion for Approval of
4 Distribution of Consumer Class Settlement Funds (Round 2).

5 3. On or about May 14, 2004, I received *Cy Pres* Fund Administrator Harry
6 Snyder's recommendations concerning Round 2 distributions of the Consumer *Cy Pres* Fund. On
7 June 8, 2004, I, along with other members of the PCC and the California Attorney General's
8 Office met with Harry Snyder and his associate Carl Oshiro to discuss Mr. Snyder's Round 2
9 recommendations. Shortly thereafter, I distributed Mr. Snyder's Round 2 report and
10 recommendation to the Plaintiffs' Executive Committee ("PEC") and asked members of the PEC
11 to let me know if they had any questions or concerns regarding Mr. Snyder's Round 2
12 recommendations. No members of the PEC expressed any reservations concerning these
13 recommendations.

14 4. Based on my review of the Report and Recommendation and my
15 knowledge of the work Mr. Snyder has done in preparing it, I believe that Mr. Snyder's work in
16 reviewing grant applications and conducting due diligence concerning Round 2 has been
17 extensive, efficient, thorough, and fair. I believe Mr. Snyder's Round 2 recommendations, as
18 reflected in the Declaration of Harry M. Snyder, Fund Administrator, to be reasonable and
19 appropriate in that they meet the criteria for which the *Cy Pres* Fund was created. I also believe
20 that distributions to each of the recommended organizations will further the purposes of the
21 Consumer *Cy Pres* Settlement Fund. I believe further that the other members of the PCC share
22 this assessment.

23 5. I have reviewed Mr. Snyder's report and recommendation concerning the
24 technical review of the Round 3 nutritional and health research proposals to be conducted by
25 Professors Marion Nestle and Malden Nesheim. Because of the highly technical nature of the
26 nutritional and health research, I believe that it is in the best interest of the Court and the
27 Consumer Class to have experts such as Professors Nestle and Nesheim review these proposals
28 prior to recommending any of them for funding out of the Consumer *Cy Pres* Fund. In light of

1 Professors' Nestle's and Nesheim's qualifications and the tasks they will perform in reviewing
2 the research proposals, I believe that the proposed budget for the technical review is reasonable. I
3 believe that the other members of the PCC share these assessments.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed this 27th day of October, 2004 in San Francisco,
6 California.

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8 **STEVEN M. TINDALL**
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